

# EXHIBIT 5

1 UNITED STATES DISTRICT COURT  
2  
3 IN AND FOR THE DISTRICT OF WYOMING

4 -ooOoo-

5 STEPHANIE WADSWORTH, :  
6 Individually and as :  
7 Parent and Legal :  
8 Guardian of W.W., K.W., : Case No.  
9 G.W. and L.W., minor : 2:23-cv-00118-NDF JURY  
10 children, and MATTHEW :  
11 WADSWORTH, :

12 Plaintiff, :

13 v. :

14 WALMART, INC. and JETSON :  
15 ELECTRIC BIKES, LLC, :

16 Defendants. :  
17 :  
18

19 DEPOSITION OF STEPHANIE WADSWORTH  
20 TAKEN THROUGH  
21 VERITEXT

22 Taken on Tuesday, February 27, 2024  
23 8:59 a.m. to 12:55 p.m.

24 At HAMPTON INN  
25 1055 Wild Horse Canyon Road  
Green River, Wyoming 82935

Job No. CS6457160  
Reported by: Abigail D.W. Johnson, RPR, CRR, CRC

1 A. Yes.

2 Q. And Matthew is a smoker as well; correct?

3 A. Yes.

4 Q. Okay. And how much does he smoke a day?

5 A. I don't know. I'm not him.

6 Q. Okay. Does he -- does it appear that he  
7 roughly smokes consistent with what you smoke per day?

8 A. Yes.

9 Q. Okay. And when you smoke a pack a day, I  
10 assume cigarettes as opposed to cigars or something  
11 else?

12 A. Correct.

13 Q. Okay. Any marijuana use?

14 A. No.

15 Q. Any other drug use?

16 A. No.

17 Q. How about Matthew? Any marijuana use for  
18 him?

19 A. No.

20 Q. Any other drug use for him?

21 A. No.

22 Q. How long have you smoked?

23 A. Twenty years.

24 Q. Okay. Any alcohol consumption?

25 A. Yes.

1 Q. How often is that?

2 A. Most days.

3 Q. And what's the average daily alcohol  
4 consumption?

5 A. I don't know. I don't keep track.

6 Q. Okay. Is it beer, wine or liquor?

7 A. Liquor.

8 Q. Okay. And what's the -- any special type?

9 A. Jäger.

10 Q. Okay. There is some reference in your  
11 records to whisky as well, is that --

12 A. I consider Jäger whisky.

13 Q. Oh, okay. It might be.

14 A. I think it's actually a liqueur, but I  
15 don't know what the difference between a liqueur and a  
16 whisky is.

17 Q. Roughly, how many drinks per day?

18 A. I don't know.

19 Q. Okay. More than five?

20 A. Yes.

21 Q. More than ten?

22 A. Maybe.

23 Q. Okay. And was that consistent with before  
24 the fire as well?

25 A. It's worse now.

1 Q. Okay. How was it before the fire?

2 A. It was --

3 Q. As far as, what was your average daily  
4 alcohol intake?

5 A. Not a lot less than now.

6 Q. Okay. So somewhere around ten or so?

7 A. Sure.

8 Q. Have you ever had any alcohol-related  
9 treatment?

10 A. No.

11 Q. Do you vape at all?

12 A. No.

13 Q. Have you ever?

14 A. I might have --

15 Q. Not just, like, once or twice, but --

16 A. Oh, no.

17 Q. Okay. How about Matthew, does he vape?

18 A. Yes.

19 Q. Did he before the fire?

20 A. I don't know.

21 Q. Okay.

22 MR. LAFLAMME: I'm going to mark this as  
23 Exhibit 42.

24 (Exhibit No. 42 was marked  
25 for identification.)

1 A. I do not remember.

2 Q. Okay. And then you said there was a toy  
3 chest as well?

4 A. Yes.

5 Q. Could you put that one in yellow? Thanks.

6 A. Okay.

7 Q. So if we're looking at Exhibit 42, you've  
8 put in green -- there was a bookshelf there; correct?

9 A. Yes.

10 Q. Okay. And then you made a little orange  
11 square at the foot of Layne's bed, which was a  
12 nightstand?

13 A. Correct.

14 Q. Okay. And then in yellow, against the wall  
15 that led to the hallway, was a toy chest?

16 A. Yes.

17 Q. Okay. And then there was a dresser either  
18 in the closet or next to where the nightstand was?

19 A. Correct.

20 Q. Okay. And then outside of their bedroom  
21 window, there was a smoking shed; correct?

22 A. Yes.

23 Q. Okay. Where was that located, roughly?

24 A. I don't know if it was right in front of  
25 the window or if it was off to the side of the window,

1 Q. Okay. You just didn't want to smoke in the  
2 house because of the kids?

3 A. I don't smoke around -- enclosed around the  
4 kids --

5 Q. Okay.

6 A. -- ever.

7 Q. So when you were home and you would smoke,  
8 you would use the smoking shed in the winter?

9 A. Yes.

10 Q. Okay. Was the smoking shed used for  
11 anything else other than smoking?

12 A. No.

13 Q. Did you use the smoking shed the evening  
14 before the fire?

15 A. Yes.

16 Q. Would you have used it multiple times the  
17 day before the fire?

18 A. The day before?

19 Q. Correct.

20 A. Yes.

21 Q. Okay. So basically, throughout the day and  
22 then into the evening whenever you would have had a  
23 cigarette the day before, you would have used the  
24 smoking shed?

25 A. Yes.

1           A.     It was, like, camping pads, padded eggshell  
2     foam on the floor.

3           Q.     Okay.

4           A.     Can I clarify when I say when I went to  
5     bed?

6           Q.     Sure.

7           A.     2:00 a.m. is when I got into bed, not when  
8     I went outside to go to bed.

9           Q.     Okay. Let me clarify that because I'm  
10    not --

11          A.     Okay.

12          Q.     -- I'm not 100 percent sure what you're  
13    saying.

14                 So 2:00 a.m. is when you got in bed to go  
15    to sleep?

16          A.     Correct.

17          Q.     Okay, but before you got into bed at  
18    2:00 a.m., you would have had a cigarette before going  
19    to bed?

20          A.     Correct.

21          Q.     Okay. Was that the clarification that you  
22    wanted to make?

23          A.     Yeah. One of the questions you said  
24    outside at 2:00 a.m. I wouldn't have been outside at  
25    2:00 a.m.



1 Q. Okay. You would have been outside a little  
2 bit before 2:00 a.m., because 2:00 a.m. is when you  
3 went to bed?

4 A. Correct.

5 Q. All right. And how soon before going to  
6 bed do you typically have your last cigarette, within,  
7 like, a half hour?

8 A. Yes.

9 Q. Okay. And did you have any alcohol the  
10 night of January 31st?

11 A. Yes.

12 Q. Okay. Do you know how much you had that  
13 evening?

14 A. No.

15 Q. Would it have been a typical day for  
16 alcohol consumption for you?

17 A. Yes.

18 Q. As far as when you would consume alcohol,  
19 is it more at night or is it throughout the day?

20 A. More at night.

21 Q. Okay. So is it once the kids go down --

22 A. Yes.

23 Q. -- then you will have some alcohol?

24 A. Yes.

25 Q. And do you know, was it Jäger that you were

1 drinking that evening?

2 A. Yes.

3 Q. And how do you typically drink it? Do you  
4 have it on ice or in a little shooter or snifter?

5 A. On ice.

6 Q. So on ice, in kind of a normal tumbler  
7 glass?

8 A. Well, no, it doesn't go into a glass. I  
9 guess it would be, like, a shot glass.

10 Q. Okay. So you're having --

11 A. It's in the freezer.

12 Q. You have it in the freezer?

13 A. Yes.

14 Q. Okay. So that's how it is chilled?

15 A. Yes.

16 Q. I know that Jäger warm is not that good.

17 A. Nasty.

18 Q. All right. So you keep it in the freezer  
19 chilled, and then you pour it into a glass from there?

20 A. Yes.

21 Q. Okay. Any other alcohol besides Jäger you  
22 would have had?

23 A. That night, probably not. I don't know for  
24 sure.

25 Q. Okay. Do you drinks beer as well?